BILL NO. G-82-02-17 (AS AMENDED)

GENERAL ORDINANCE NO. G- 10-82

AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a north/south alley south Jefferson Blvd.

WHEREAS, (1) a petition to vacate a north/south alley south of Jefferson Blvd., lying between Broadway and Fulton, (as more specifically described below) was duly filed with the City Plan Commission; and (2) said Commission duly held a public hearing thereon; and (3) said Commission has duly forwarded its recommendation thereon to this body approving said petition, all in accordance with I.C. 18-7-4-512(2) (Burns Ind. Stat. Ann., 1980 Supp.)

WHEREAS, this body concurs in the recommendation of the City Plan Commission:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate:

That alley bounded by Jefferson Avenue on the north, the 34 feet west of the east 6 feet of Lot 4, Block 1, Noel's Second Addition to the City of Fort Wayne on the east side; the ten foot wide alley running east and west to Fulton Street on the south side; and on the western side by Lot 3 in Bond's First Addition to the City of Fort Wayne, Indiana

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan is hereby approved.

SECTION 2. That by reason of this approval, said petitioner(s) may now proceed with said vacation before the Fort Wayne Board of Public Works, under I.C. 18-1-7-1, for an administrative order of vacation and an assessment of benefits and damages to affected property owners, or before the Allen Circuit or Superior Courts under I.C. 18-5-10-44, for a judicial decress of vacation and an assessment of benefits and damages to affected property owners.

SECTION 3. That the Ordinance shall be effective upon passage and approval by the Mayor and due legal publication.

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COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY

BRUCE O. BOXBERGER, CITY ATTORNEY

BILL NO. G-82-02-/7

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GENERAL ORDINANCE NO. G-AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a north/south alley south of Jefferson Blvd

WHEREAS, (1) a petition to vacate a north/south alley south of Jefferson Bldvd., lving between Broadway and Fulton. (as more specifically described below) was duly filed with the City Plan Commission; and (2) said Commission duly held a public hearing thereon; and (3) said Commission has duly forwarded its recommendation thereon to this body approving said petition, all in accordance with I.C. 18-7-4-512(2) (Burns Ind. Stat. Ann., 1980 Supp.)

WHEREAS, this body concurs in the recommendation of the City Plan Commission:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate:

a north/south alley south of Jefferson Blvd., lying between Broadway and Fulton,

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan is hereby approved.

SECTION 2. That by reason of this approval, said petitioner(s) may now proceed with said vacation before the Fort Wayne Board of Public Works, under I.C. 18-1-7-1, for an administrative order of vacation and an assessment of benefits and damages to affected property owners, or before the Allen Circuit or Superior Courts under I.C. 18-5-10-44, for a judicial decree of vacation and an assessment of benefits and damages to affected property owners.

SECTION 3. That the Ordinance shall be effective upon passage and approval by the Mayor and due legal publication.

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APPROVED AS TO FORM AND LEGALITY FEBRUARY 19, 1982

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Read the fi seconded by d by title and ref Plan Commission	rst time in	full and o , and e Committee	n motion by duly adopted	read the s	econd time (and the City
auc regur notice	., at the con	diferr Chamb	ers, crcy-count	y burrarne	- Port wayne
Indiana, on		, the	at	o'clock_	day of M.,E.S.T.
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			CHARLES W.	WESTERMAN	- CITY CIPPY
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passage. PASSED	(L OST) by	y the follo	wing vote:		
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BURNS					
EISBART	X				
GiaQUINTA				<u>X</u>	
NUCKOLS					
SCHMIDT		***************************************			
SCHOMBURG					
STIER	X				
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DATE: 6	1-22-82	<u> </u>	CHARLES W. V	Liste. Vesterman	Mesterma CITY CLERK
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Indiana, as (ZON	ING MAP) (GENERAL)		(SPECIAL)	~
(APPROPRIATION)	ORDINANCE	(RESOLU	IT ION) NO	1-10-	82
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1	ATTEST:		(SEAL)		
Charles W. le	testerman	2_3	Samue	lf Ta	larico
CHARLES W. WESTE	RMAN - CITY	CLERK	PRESIDING OF	FICER	
			ne City of Fort		
the 231	d day o	f June	, 19 <u>8</u> 2	, at the	hour of
	30 o'c	lock	.M., E.S.T	21 1-1-1	
			Charles U		
7			CHARLES W. W		- CITY CLERK
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19 <u>52</u> , at the h	nour of	<u> </u>	clock .M.	,E.S.T.	
			Lin	Pute	
			WIN MOSES, J	R MAYOR	?

PETITION TO VACATE AN ALLEY

TO: THE CITY PLAN COMMISSION CITY OF FORT WAYNE, INDIANA

The undersigned petitioners do hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following alley within the City of Fort Wayne, Indiana, and hereby described as follows:

That alley bounded by Jefferson Avenue on the north, the 34 feet west of the east 6 feet of Lot 4, Block 1, Noel's Second Addition to the City of Fort Wayne on the east side; the ten foot wide alley running east and west to Fulton Street on the south side; and on the western side by Lot 3 in Bond's First Addition to the City of Fort Wayne, Indiana.

In support thereof your petitioners would represent as follows:

- That they are the owners of the real estate abutting the sides of the alley sought to be vacated herein.
- That the alley is not necessary as ingress or egress to other properties whatsoever.
 - 3. That said alley is unopened and unimproved.
- That no other person, firm or corporation is interested in or affected by the requested vacation.
- 5. That the maintenance of said alley is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City and the citizens thereof to have said alley vacated.

Your petitioners file this petition pursuant to the authority granted in Indiana Code \$36-7-4-512 in order to complete the vacation as above described.

WHEREFORE, your petitioners pray that the above described alley be vacated according to the provisions of the Indiana law pertaining thereto.

Dated this 28 day of December, 1981.

Navada + Marian Richard C. HITZEMAN

Wanda M. Mitzeman Rois a. Hitzeman

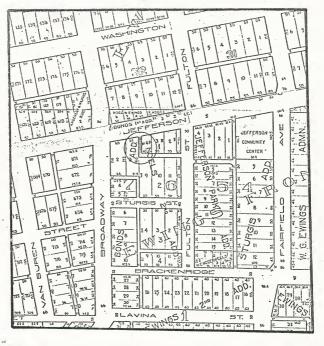
Wanda M. HITZEMAN

WANDA M. HITZEMAN

WANDA M. HITZEMAN

BILL NO. G-82-02-17 (AS AMENDED)

REPORT OF THE COMMITTEE ON REGULATIONS
WE, YOUR COMMITTEE ON Regulations TO WHOM WAS REFERRED
ORDINANCE amending the Thoroughfare Plan of the City Comprehensi
("Master") Plan by vacating a north/south alley south Jefferso
Blvd.
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JANET G. BRADBURY - VICE CHAIRMAN AND BEG LEAVE TO REPORT
PAUL M. BURNS
JOHN NUCKOLS Samuel J. Talani
ROY J. SCHOMBURG ROY J. SCHOMBURG
6-2> Schourses IN
CHARLES W, WESTERMAN, CITY CLE



A PETITION TO VACATE ALLEY.

MAP NO. L-2

6-82-02-17

BY G.R. LAX 1-6-82





THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING . ONE MAIN STREET . FORT WAYNE, INDIANA 46802

city plan commission

29 April 1982

Members of the Common Council City-County Building One Main Street Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a copy of a resolution pertaining to one (1) alley vacation ordinance acted upon by the City Plan Commission at their regular meeting held April 26, 1982. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

- 1. Bill No. G-82-02-17
- Intended Use: Vacated property will be used by adjacent property owners.
- 3. Plan Commission Recommendation: DO PASS

This ordinance received a DO PASS recommendation for the following reason: This alley no longer serves a public use.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING.

Gary F. Baeten Senior Planner

GFB:pb

Zohrab K. Tazian, PE & LS President

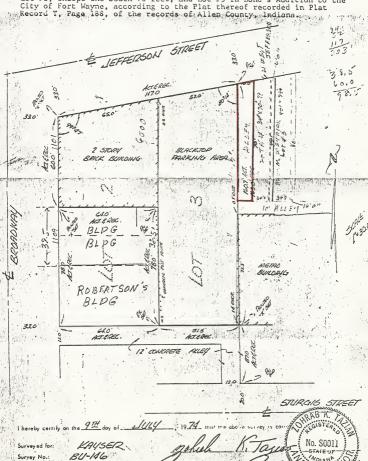
Jerry K. Walker, P.E. & L.S. Vice-President

Certificate of Survey

This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's affice of ___ County, State of Indiano. The Iano described exists in full dimensions as shown hereon in feet. It is free from encroochments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated.

DESCRIPTION OF REAL ESTATE

Lot #2, except the South 78 feet, and Lot #3 in Bond's Addition to the City of Fort Wayne, according to the Plat thereof recorded in Plat Record T, Page 188, of the records of Allen County, Indiana.



Fort Wayne, Indiana 46803

1108 Rivermet Avenue

Phones: 219 743-6833 or

RESOLUTION

MHEREAS, DONALD & WANDA HITZEMAN, and RICHARD & LOIS HITZEMAN have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alley in Fort Wayne, Allen County, to-wit:

That alley bounded by Jefferson Avenue on the north, the 34 feet west of the east 6 feet of Lot 4, Block 1, Noel's Second Addition to the City of Fort Mayne on the east side; the ten foot wide alley running east and west to Fulton Street on the south side; and on the western side by Lot 3 in Bond's First Addition to the City of Fort Wayne, Indiana

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-512.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on March. 22, 1982, at 7:00 P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public alley.

WHEREAS, said vacation of the alley has been routed through the following department: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said alley in Allen County, Indiana.

STATE OF INDIANA)
)SS:
COUNTY OF ALLEN

I Dennis J. Grotrian , Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held April 26, 1982, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 29th DAY OF April	19	82
FORT WAYNE CITY PUAN COMMISSION		
Munis & Notrian	<u> </u>	
Dennis J. Grotrian, Segretary		

RESOLUTION

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)SS:
COUNTY OF ALLEN

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DATED THIS 29th DAY OF April	_19	82
FORT WAYNE CITY PLAN COMMISSION		
Shi O Sain		
Menin & Strotion		
Dennis J. Grotrian, Secretary		

DICEST SHEET

(60 omendes) J-82-02-17 TITLE OF ORDINANCE _____Alley Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE	Long Range Planning & Zoning - CD&P
SYNOPSIS OF ORDINANCE A north/so	uth alley south of Jefferson Blvd., lying
between Broadway and Fulton.	
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_	=
EFFECT OF PASSAGE Property is now property owners and be close	
EFFECT OF NON-PASSAGEProperty wil	l remain public right-of-way.
*	
MONEY INVOLVED (Direct Costs, Expenditure	s, Savings)
ASSIGNED TO COMMITTEE (J.N.)	



The City of Fort Wayne

OFFICE OF THE CITY CLERK

Charles W Westerman, Clerk — Room 122

June 24, 1982

Ms. Judy High Fort Wayne Newspapers, Inc. 600 West Main Street Fort Wayne, IN 46802

Dear Ms. High:

Please give the attached full coverage on the dates of June 30, 1982 and July 8, 1982, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council of Fort Wayne, Indiana

Bill No. G-82-05-15 (as amended) General Ordinance No. G-12-82

Bill No. G-82-05-14 (as amended) General Ordinance No. G-11-82

Bill No. G-82-02-17 (as amended) General Ordinance No. G-10-82

Bill No. Z-81-11-10 (as amended) Zoning Map Ordinance No. Z-14-82

Please send us 16 both newspapers.

copies of the Publisher's Affidavit from

Thank you.

Sincerely,

Charles W. Westerman

City Clerk

CWW/ne ENCL: 1 Notice is hereby given that on the 22nd day of June, 1982, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. G-82-05-15 (as amended) -- General Ordinance No. G-12-82 -- AN ORDINANCE amending Chapter 33 of the Code of the City of Fort Wayne

Notice is hereby given that on the 22nd day of June, 1982, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. G-82-05-14 (as amended) -- General Ordinance No. G-11-82 -- AN ORDINANCE amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana

Notice is hereby given that on the 22nd day of June, 1982, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. G-82-02-17 (as amended) — General Ordinance No. G-10-82 — AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a north/south alley south Jefferson Blvd.

Notice is hereby given that on the 22nd day of June, 1982, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. Z-81-11-10 (as amended) -- Zoning Map Ordinance No. Z-14-82 -- AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R-38

I, Charles W. Westerman, Clerk, of the City of Fort Wayne, Indiana do hereby certify that Bill No. G-82-05-15 (as amended) -- General Ordinance No. G-12-82; Bill No. G-82-05-14 (as amended) -- General Ordinance No. G-11-82; Bill No. G-82-02-17 (as amended) -- General Ordinance No. G-10-82 and Bill No. G-82-02-17 (as amended) -- Zoning Map Ordinance No. Z-14-82 were passed by the Common Council on the 22nd day of June, 1982, said Ordinances were signed and approved by the Mayor on the 23rd day of June, 1982, and remain on file and on record in my office.

Copies of Bill No. G-82-05-15 (as amended) -- General Ordinance No. G-12-82; Bill No. G-82-05-14 (as amended) -- General Ordinance No. G-11-82; Bill No. G-82-02-17 (as amended) -- General Ordinance No. G-10-82 and Bill No. Z-81-11-10 (as amended) Zoning Map Ordinance No. Z-14-82 will be posted for reading in the following places in Fort Wayne, Allen County, Indiana

- (1) The main floor of the City-County Building
- (2) the bulletin board in the lobby of Downtown Fort Wayne Public Library
- (3) The bulletin board in the lobby at the East door of the Allen County Court House

Copies of Bill No. G-82-05-15 (as amended) -- General Ordinance G-12-82; Bill No. G-82-05-14 (as amended) -- General Ordinace No. G-11-82; Bill No. G-82-02-17 (as amended) -- General Ordinance No. G-10-82 and Bill No. Z-81-11-10 (as amended) -- Zoning Map Ordinance No. Z-14-82 will be available for reading in the following places in Fort Wayne, Allen County, Indiana.

- (1) Reference Room in the north end of the main floor in said Downtown Public Library
- (2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana

Charles W. Westerman City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fülfilled and posted the above ordinances in the designated places as stated on June 30, 1982.

Charles W. Westerman

City Clerk

....,the dates of publication being

e ordi-

November 29, 1985

which was duly published in said page for the which was duly publish

Form Prescribed by State Board of	Accounts			General Form No. 99 P(R	ev. 1967)
	Common Counc	11) IPW		
(Governmental U	Jnit)	*	To NEW	VS-SENTINEL	Dr.
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	County, Ind				
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Common Council of the City Fort Wayne, Indiana, in Reg	y of pular NT OF CLAIM.			39.40	
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ter 33 of the Municipel Code of City of Fort Weyn, Indiana	the				
the 22nd day of June, 1982, Common Council of the City	the				
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ald pass the following Bill No 81-11-10 (es amended) — Zoi Map Ordinance No. Z-14-82 — S box ORDINANCE emending the Cit	ing nt is just and correct,	, that the amount claimed is leg	gally due, after allowing all	just credits, and that no part of	the same
Fort Weyne Zoring Map No. R-1 I, Cherles W. Westermen, Cl	7 Of 38 erk,		71	Poose	
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